

3599

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

IN

ORIGINAL APPLICATION No. 985/2019

WITH

ORIGINAL APPLICATION No. 986/2019

IN THE MATTER OF:

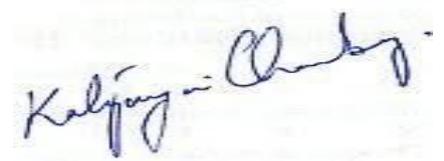
In Re: Water Pollution by Tanneries at Jajmau, Kanpur, Uttar Pradesh

With

In Re: Water Pollution at Rania, Kanpur Dehat & Rakhi Mandi, Kanpur Nagar, Uttar Pradesh

**SUBMISSION BY AMICUS CURAE IN RESPONSE TO AFFIDAVIT FILED BY
PRINCIPAL SECRETARY, ENVIRONMENT, FOREST AND CLIMATE CHANGE,
UTTAR PRADESH IN O.A. NO. 985 of 2019 – WATER POLLUTION BY TANNERIES
AT JAJMAU, KANPUR, UP**

Dated: 16.05.2025



Through

Katyayni

(Amicus Curiae)

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI****IN****ORIGINAL APPLICATION No. 985/2019****WITH****ORIGINAL APPLICATION No. 986/2019****IN THE MATTER OF:**

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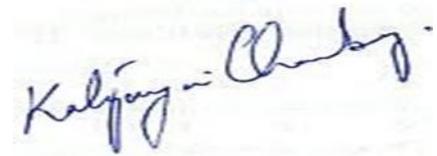
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In Re : Water Pollution at Rania, Kanpur Dehat & Rakhi Mandi, Kanpur Nagar, Uttar Pradesh

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Dated: 16.05.2025



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SUBMISSION

S.No	Recommendations Date: 23.01.2025	Compliance by State of UP (as per reply affidavit dated 17.03.2025)	Observations of Amicus Curae
1.	<p>RO – NF Water Plants: Clean Water for All Domestic Purposes at centralised and de- centralised installed RO-NF systems (Identify the usage of wells/handpumps/ borewells/ water source for animals and agriculture)</p> <p>Proposed Timeline: within 2 Months</p> <p>Agreed/ recommended Timeline by the State:</p> <ul style="list-style-type: none"> • Pipeline in Juhi baburiya- 3 months • Water supply in Afeem Kothi- 9 months • Pipe water for Godharoli- timeline- 15.04.25 • Within 45 days Ashapur will get pipeline 	<p>Kanpur Nagar</p> <p>Alternate potable water from water treatment plant, Gangaji barrage is currently provided to:</p> <p>Juhi Bbauriya Rakhi mandi- 10 KLD, 2-3 tankers/ day. Afeem kothi Rakhi mandi- 50 KLD, 10-11 tankers/ day.</p> <p>Quality of water- routinely checked by UP State health Institute, Lucknow and IIT Kanpur IS 10500:2012 compliant</p> <p>Kanpur Dehat</p> <p>Water supply in Rania Nagar panchayat- awaiting Government grant approval.</p> <p>Water supply in Khanchandpur village, Rania- drinking water is furnished via a tubewell.</p> <p>Jal Nigam’s water analysis report (on chemical & bacteriological parameters) for water supply scheme indicates that all parameters are within permissible limits, therefore obviating the need for RO-NF installations.</p> <p>Piped drinking water scheme @ Rs. 298.46 Lakh has been <i>completed in Dec. 2020</i>.</p>	<p>Kanpur Nagar</p> <ul style="list-style-type: none"> • Water provided to Juhi Baburiya, rakhi mandi and afeem kothi (railway colony at afeem kothi is a settlement of approx.. 5000 people) is severely inadequate. Specially when all submersible pumps and handpumps have been dismantled. For instance, in Afeem Kothi there are around 5000 people who are provided 50 KLD (50,000 liter) of potable water. That is around 10 liters/ person/ day. • Pg. 3525, portable water tested at Bhairav Ghat by IIT Kanpur (<i>in Raw water heavy metals and FC/TC very high, although it reduces in jal kal portable water</i>) <p>Kanpur Dehat</p> <ul style="list-style-type: none"> • What is the current source of piped/ tanker water supply? • Quantity to water supplied is grossly inadequate.

	<p>Point “v. 20 handpumps in various hamlets of Khanchandpur village were deemed unsafe due to high chromium levels. of these 17 have been dismantled and 3 had already been removed.”</p> <p>“vi- water from overhead tanks tested- total Cr level is within permissible “boundaries”.”</p> <p>Ward 16, Azad nagar, Khanchandpur village- 200 household get 450 litters/ day through local tanks and tankers.</p> <p>Fatehpur</p> <p><u>Godharoli village</u> Total 576 families, continuous water supply is provided to 546 families and 30 families get reduced flow due to elevation. 3 tankers- alternative water supply 28 handpumps- dismantled, 5 active (4 have chromium)</p> <p><u>Baniyakheda village</u> Families- 230, all receive pipeline water **Baniyakheda village grp pipe drinking water scheme. 21 handpumps (19 active, 2 inactive- all have been tested)</p> <p><u>Abhaypur village</u> 1064 families (all pipeline). 76 handpumps have been tested (55 active, 21 inactive)</p> <p><u>Ashapur village</u> 187 families (100 families receiving pipeline, for remaining 87 family’s pipeline is under construction). Currently 4500-liter water tanker is made available. 18 handpumps tested (12 active and 6 inactive)</p>	<ul style="list-style-type: none"> For instance, in Ward 16, Azad Nagar, Khanchandpur village, 200 households receive a total of 450 liters of water per day. This translates to just 2.25 liters per household daily. Assuming an average of 4 individuals per household, each person receives only about 0.56 liters of water per day. <p>Fatehpur</p> <ul style="list-style-type: none"> The source and quantity of water supplied in each village has not been mentioned.
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2.	<p>Blood Sampling/ survey by Govt in the affected areas of Kanpur Nagar/ Dehat/ Fatehpur (Heavy Metal Analysis- Chromium, Mercury, Fluoride) (Pg. 3439)</p> <p>Proposed Timeline: within 1-2 months</p> <p>Agreed/ recommended Timeline by the State:</p> <ul style="list-style-type: none"> • Kanpur Nagar- 553 people sampled Jan/March 2025 • Kanpur Dehat- 29 people tested • Fatehpur- 10 samples collected. All pending tasks are anticipated to be completed within a month. (regarding blood/ serum tests) 	<p>Kanpur Nagar January/ March 25, health camps conducted at- Juhi baburiya, Rooma TSDF, Jajmau, Panki, Nauraiya Kheda, tejab mill campus</p> <p>553 Patients</p> <table border="1" data-bbox="566 443 1088 795"> <tr> <td>Liver issues</td> <td>13</td> </tr> <tr> <td>Respiratory illness</td> <td>38</td> </tr> <tr> <td>Stomach issues</td> <td>44</td> </tr> <tr> <td>Diabetes</td> <td>31</td> </tr> <tr> <td>Skin disease</td> <td>108</td> </tr> <tr> <td>Anaemia</td> <td>3</td> </tr> <tr> <td>Hypertension</td> <td>27</td> </tr> <tr> <td>Other conditions</td> <td>287</td> </tr> </table> <p>For 16 particular individuals of Rakhi mandi- expenses for Cr & Hg test are being drawn from <i>Red Cross Fund</i>.</p> <p>Kanpur Dehat Total 29 people tested <u>All 29 had chromium and 20 also had mercury.</u> As per the CMO, Rs. 5,90,000/- is required to test additional 50 people in Khanchandpur village</p> <p>**Necessary funds and specialists sought.</p> <p>Fatehpur Blood samples of “suspected individuals” collected by CSIR-IITR Lucknow. Out of 10 samples- 8 were positive with chromium and 1 mercury.</p> <p>KFT & LFT- will be done.</p> <p>Pg. 3442- no patient has been found with distinct and unusual symptoms, as most suffer from common illnesses.</p>	Liver issues	13	Respiratory illness	38	Stomach issues	44	Diabetes	31	Skin disease	108	Anaemia	3	Hypertension	27	Other conditions	287	<p>Kanpur Nagar:</p> <ul style="list-style-type: none"> • The health survey conducted isn't satisfactory. In the vastly populated impact zone, only 553 people were sampled, raising serious concerns about the comprehensiveness and representativeness of the findings. • It is requested that the authorities clarify the rationale behind drawing funds from the Red Cross Fund specifically for conducting blood tests of 16 individuals residing in Rakhi Mandi. • The report fails to disclose critical information regarding how many of the 553 individuals sampled tested positive for heavy metals in their bloodstream. Such omission undermines the transparency and accountability of the investigation. • A definitive timeline must be provided for the completion of comprehensive medical testing for all residents in the affected areas across all three districts.
Liver issues	13																		
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			<p>Kanpur Dehat:</p> <ul style="list-style-type: none">• Out of 29 people sampled, 29 were detected with chromium and 20 with mercury. This is indicative of the grave health crisis looming in the area. Consequently, a complete medical screening of the entire population in the impacted region is imperative and must be prioritized.• The basis on which the Chief Medical Officer (CMO) has identified 11 individuals in Khanchandpur, Rania as “suspected cases” in need of specialist intervention must be clearly stated, along with the criteria used for such determination. <p>Fatehpur:</p> <ul style="list-style-type: none">• The report from the CMO, Fatehpur, indicates that no distinctive or abnormal symptoms have been observed in patients, aside from common illnesses. In light of confirmed heavy metal exposure, it is critical to clarify what clinical indicators or
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			<p>symptoms are being used to assess the severity of health conditions resulting from such exposure.</p>
3.	<p>Improve Govt. Hospital's infrastructure to include multi-speciality diagnostic facilities</p> <p>Proposed Timeline- 3 months Agreed/ recommended Timeline by the State:</p>	<p>Meeting dated 04.03.2025, undersigned directed UP Health dept to give proposed timeline.</p> <p>Additionally, Special secretary, health dept., UP has confirmed heavy metal testing facilities are available in Lucknow.</p>	<ul style="list-style-type: none"> • No specific timeline has been provided for the augmentation and strengthening of health infrastructure facilities across the three affected districts. The absence of a defined schedule raises concerns regarding the commitment to long-term public health preparedness in the impacted zones. • It is imperative that residents of the affected districts and identified impact areas are guaranteed access to adequate, acceptable, and geographically accessible healthcare facilities.
4.	<p>List of all Industries (Regardless of Category/ legal/ illegal/ in-house)- Kanpur Nagar, Kanpur Dehat, Fatehpur</p> <p>Proposed Timeline- 1 month Agreed/ recommended Timeline by the State:</p>	<p>Kanpur Nagar 37,952 manufacturing units possess Udhyaam registration certificates.</p> <p>Kanpur Dehat 7,287 manufacturing units possess Udhyaam registration certificates</p> <p>Fatehpur 80 polluting units possess Udhyaam registration certificates</p>	<ul style="list-style-type: none"> • The State was under an obligation to furnish a comprehensive list of all industrial units—irrespective of their legal status (authorized, unauthorized, or operating within residential premises)—to

			<p>facilitate the identification of potential sources of ongoing pollution, particularly with respect to hazardous substances such as Chromium and Mercury.</p> <ul style="list-style-type: none"> • No such list has been provided. Merely having the number of units certified under Udhyam registration certificates serves no purpose.
5.	<p>Boundary Wall and Cover for Existing Cr Dump/ Plume (Fatehpur & Kanpur Dehat)</p> <p>Proposed Timeline- 2 weeks</p> <p>Agreed/ recommended Timeline by the State:</p>	<p>Kanpur Dehat 300 pillars installed around the chromium plume</p> <p>Fatehpur Godharoli gram panchayat- 6 ponds are contaminated. 3 are fenced with <i>cement pillars</i> and for the other 3 work is in progress. Hazardous waste sludge deposited at 6 locations including <i>M/s Madhuchandra techno complex</i>- have boundary wall and gate. Additionally, 5 dumping points have been identified – cement pillars and wire fencing are ongoing. Fencing for 11 identified sites is now complete. (as per DM Fatehpur)</p> <p><i>What use are cement pillars, especially at chromium plume site at Rania (khanchnadpur)?? How will it arrest air pollution??</i></p>	<ul style="list-style-type: none"> • In both Kanpur Dehat and Fatehpur, official recommendations clearly stated that boundary walls must be constructed around chromium and ash dumpsites to prevent environmental dispersion through wind and water erosion. Contrary to this, the State has reportedly installed only “pillars” around the contaminated sites. • The use of pillars does not mitigate the risk of airborne particulate matter or surface runoff, and thus does not comply with the intent or spirit of the remedial recommendations. A technical justification

			<p>for this deviation is necessary, along with a revised plan that ensures effective containment of hazardous materials.</p> <ul style="list-style-type: none"> No information is provided regarding covering of the chromium plume. 						
6.	<p>Soil, Sludge and Water Analysis of- Panki/ Shanigawa Landfill Site/ STP @ Pankha, Sajari</p> <p>Proposed Timeline: 1.5 months</p> <p>Agreed/ recommended Timeline by the State: Report awaited from IIT Kanpur- March 2025</p>	<p>M/s KRMPL Kanpur has requested to conduct sludge sampling at Jajmau, Bingawa and Sajari STPs by IIT Kanpur.</p> <p>(Pg. 3446) STP soil/sludge detected metals:</p> <table border="1"> <thead> <tr> <th>Sajari</th> <th>Panka</th> <th>Sanigawan landfill</th> </tr> </thead> <tbody> <tr> <td>Cadmium, lead, zinc</td> <td>zinc</td> <td>Lead, chromium, zinc</td> </tr> </tbody> </table>	Sajari	Panka	Sanigawan landfill	Cadmium, lead, zinc	zinc	Lead, chromium, zinc	<ul style="list-style-type: none"> Samples report from Panki/ Shanigawa Landfill Site/ STP @ Pankha, Sajari indicates presence of heavy metals in STP sludge and at the landfill. It is therefore imperative that a comprehensive assessment of the cumulative environmental impact be undertaken within a clearly defined and time-bound framework. Additionally, the precise sources of such pollutants must be identified to enable appropriate regulatory and remedial action in accordance with environmental protection norms and statutory obligations.
Sajari	Panka	Sanigawan landfill							
Cadmium, lead, zinc	zinc	Lead, chromium, zinc							
7.	<p>Operate Existing STP (Resolving Non- Compliance Within 2 Months)</p> <p>Proposed Timeline: 2 months</p> <p>Agreed/ recommended Timeline by the State:</p>	<p>Following STPs will be made compliant:</p> <p>43 MLD STP Jajmau- by April 2025 210 STP Bingawan- by May 2025</p> <p>** UPPCB has levied EC on M/s KRMPL for repeated violations @ 1.95 Cr for STP Jajmau and @3.79375 Cr for STP Bingawan</p>	<ul style="list-style-type: none"> Compliance report maybe provided by either CPCB or UP PCB for STPs. Pg. 3520- total EC imposed Rs. 9, 71, 93000/- (2019- 2025) 						

	STP Jajmau- April 2025 STP Bingawan- May 2025		
8.	<p>Drain Action Plan- Untapped & Over Flowing tapped Drains</p> <p>Proposed Timeline: 2 weeks</p> <p>Agreed/ recommended Timeline by the State:</p> <p>Kanpur Nagar- June 2027</p> <p>Kanpur dehat- 2 yrs post approval</p>	<p>Kanpur Nagar 27 drains (18 in Gangaji and 9 in Pandu) (Gangaji- 6 untapped and 1 storm drain; Pandu- 3 untapped and 2 partially tapped) Bio remediation in 9+2 drains</p> <p>Kanpur Dehat Discovered 2 drains, not dully constructed and entirely choked. Work to be done- survey drains, sewer pipelines and STPs. Bioremediation of 2 drains- by June 2025</p> <p>Fatehpur Godharoli- (3354 residents) 27 cement drains (fully tapped)- discharge into 8 ponds</p> <p>Baniyakheda- (1364 residents) 7 dement drains discharging into 2 ponds</p> <p>Abhaypur- (5798 people) 35 drains (33 tapped)- half effluent goes to Pandu River</p>	<p>For 3 districts:</p> <ul style="list-style-type: none"> • What immediate and interim measures are being proposed or implemented by the State to prevent untreated drain water from contaminating rivers, ponds, and other surface water bodies in the affected areas? • A specific and time-bound action plan must be provided detailing the timeline for connecting household sewer lines to the respective pumping stations and/or Sewage Treatment Plants (STPs), in compliance with environmental and public health obligations.
9.	<p>Permanent Monitoring Plan for Existing STP/ CETP/CCRU/ Landfills/ TSDFs</p> <p>Proposed Timeline: 3 weeks</p> <p>Agreed/ recommended Timeline by the State: Monitoring system already in place.</p>	<p>Kanpur Nagar Weekly monitoring by UPPCB</p> <p>Kanpur Dehat UPPCB collects groundwater samples fortnightly from Khanchandpur, shivnathpurwa, gahrampur, umran, akbarpur and TSDF.</p>	<ul style="list-style-type: none"> • As per the Affidavit, UPPCB is the monitoring agency for STP, CETP, CCRU, Landfill in Kanpur nagar. And collects groundwater samples from Kanpur dehat. Then in case of violation (by STPs, CETP, CCRU etc) and

			pollution, should the monitoring agency be held accountable?
10.	<p>Construction and Installation of sewage system and STP in Kanpur dehat and Fatehpur</p> <p>Proposed Timeline: 6- 12 months</p> <p>Agreed/ recommended Timeline by the State: Kanpur dehat- sewer lines in 2 yrs and short term bio remediation of drains would be completed by June 2025.</p> <p>Fatehpur- STP in 2 yrs</p>	<p>Kanpur Dehat <u>Timeline- 2 yrs</u> to lay sewer lines and STP Bioremediation- <u>June 2025</u></p> <p>Fatehpur 36 MLD STP proposed- around <u>2 yrs</u> to <u>finish</u></p>	<ul style="list-style-type: none"> A time-bound plan for implementing alternative drain treatment systems must be established and operationalized as an interim measure, until a permanent and sustainable solution for the treatment of wastewater and prevention of water body contamination is fully executed.
11.	<p>Removal of Chromium, Mercury and Ash from the affected area</p> <p>Proposed Timeline: 5-6 months</p> <p>Agreed/ recommended Timeline by the State: Kanpur dehat- 1 month from the time funds are allocated.</p> <p>Fatehpur- 2-3 months for godhrauli village.</p>	<p>Kanpur Dehat Rania dump- 95006 MT cleared M/s Natraj Umran- 6000 MT remains onsite</p> <p>Fatehpur Godharoli village IITR Survey- time needed 5 months Removal- 2-3 months</p>	<p>Kanpur Dehat</p> <ul style="list-style-type: none"> Timeline for treatment and disposal of the remaining chromium dump. <p>Fatehpur</p> <ul style="list-style-type: none"> No information on Baniapur road, railway crossing, M/s madhuchandra Unit on highway, Ashapur, Abhaypur villages. No information on remediation of Ash that is laden with Mercury
12.	<p>Soil & Ground Water Remediation</p> <p>Proposed Timeline: 6 months</p> <p>Agreed/ recommended Timeline by the State: 2 yrs</p>	<p>IITR proposed to install pilot plant for removal of Cr IV groundwater- @211 lakhs + 18 % GST.</p> <p>Permanent remediation can be achieved only after total chromium deposits are identified and removed safely.</p>	<ul style="list-style-type: none"> Kindly provide as affective timeline for completion of: <ol style="list-style-type: none"> Identification of all big/small chromium

			<p>deposition sites</p> <p>b. Removal of chromium dumps</p> <p>c. Remediation of soil</p> <p>d. Remediation of groundwater</p> <p>** Information pertains to Districts Kanpur Dehat and Fatehpur.</p>
13.	<p>River Rejuvenation Plan (Senger/Noon/ Pandu Rivers)- Including Flood Plain Zoning, Rain water harvesting, watershed development, encroachment removal, Eco-flow</p> <p>Proposed Timeline: 3 months</p> <p>Agreed/ recommended Timeline by the State:</p> <p>Kanpur Nagar- FPZ of River Pandu- 3 months</p> <p>Kanpur Dehat- River rejuvenation Plan- 3 months</p>	<p>Kanpur Nagar FPZ of River Pandu- 3 months River rejuvenation plan- delegated to Exe engineer for Noon & Pandu river</p> <p>Kanpur Dehat FPZ- in progress River rejuvenation Plan- 3 months</p>	<ul style="list-style-type: none"> For all three districts kindly specify “dates” for providing River Rejuvenation Plan, Flood plain zoning, E flow etc.
14.	<p>Government <i>Multi-Speciality Medical Aid Facility</i> for victims of Heavy metal contamination (can be established in existing Govt Hospitals in all three districts)</p> <p>Proposed Timeline- 6 months</p> <p>Agreed/ recommended Timeline by the State:</p>	<p>Medical colleges are established in Kanpur nagar, Kanpur dehat and Fatehpur apart from treatment facilities at various hospitals in Lucknow.</p> <p>Pg. 3455 ii) JK Cancer hosp- is in excellent condition. ICU facility is available. Heavy metal testing is not available. (*When did ICU facility at JK Cancer hospital become functional?)</p>	<p>Kanpur Nagar, Kanpur Dehat, Fatehpur:</p> <ul style="list-style-type: none"> Health Insurance scheme should be provided to people in affected areas. Provide specific time by when can heavy metal testing and related treatment facilities could be

		<p>Heavy metal testing is available at Lucknow hospitals.</p> <p>** Pg. 3456, Special Secretary, Health Dept, UP informed the Principal secretary vide a letter (05.03.25) <i>“that human body itself controls this type of toxicity (heavy metal) and when the exposure to such heavy metals toxicity reduces or ends, the body expels the same through urine and stool.”</i></p>	<p>established in impugned area.</p>
15.	<p>Induction Of Workforce in CPCB/ PCB</p> <p>Proposed Timeline- 5 months</p> <p>Agreed/ recommended Timeline by the State: continuous process</p>	<p>Kanpur Nagar 1 RO, 1 AEE, 2 scientist assistant and 2 JRF (37,952 manufacturing units)</p> <p>Kanpur Dehat 1- RO, 2- AEE, 2 lab Assistant, 1 monitoring assistant, 3 JRF 7,287 manufacturing units</p> <p>Fatehpur 1- RO, 1 AEE, 2 Jr engineer, 1 scientist assistant, 2 lab assistant, 7 JRF 80 polluting units</p>	<p>The Hon’ble Supreme Court in the matter of <i>M.C Mehta v. Union of India</i>, WP (C) No. 13029/1985, vide order dated 08.05.2025 has passed directions for Delhi NCR and certain observations for the country:</p> <p><i>“IN RE: VACANCIES IN SPCBS</i></p> <p><i>1. The first issue concerns the filling of vacant posts in the State Pollution Control Boards and Pollution Control Committees.</i></p> <p><i>5. We are informed that 21 per cent of the posts in the Central Pollution Control Board (hereinafter referred to as “the CPCB”) are vacant. We direct that all vacant posts shall be filled by the end of August 2025, and an affidavit of compliance shall be filed by the Union of India by the same date.</i></p> <p><i>8. The CPCB has submitted a detailed note indicating that there are significant vacancies in almost all States. For example, in the State of Jharkhand, 91 per cent of posts are vacant, and in the</i></p>

			<p><i>State of Bihar, 90 per cent of posts are vacant. There are many States where the vacancy is more than 60 per cent. Even in the case of Pollution Control Committees of the Andaman and Nicobar Islands, Chandigarh and Puducherry, there are substantial vacancies. So is the case with Jammu and Kashmir. We direct all the State Pollution Control Boards and Committees to ensure that all the vacancies are filled by the end of September 2025. This order shall be communicated by the CPCB to the Pollution Control Boards and Committees of all the States and Union Territories and call for their compliance. A compliance report on the implementation of this order shall be filed by the CPCB by the end of September 2025, after collecting the responses of all States and Union Territories.”</i></p>
16.	<p>Technical Infrastructure to State PCB/ SGWB</p> <p>Proposed Timeline- 5 months Agreed/ recommended Timeline by the State:</p>	<p>Are being done. District Groundwater Management Council Induction of more technical person- is a continuous process</p>	
17.	<p>Continuous supply of Electricity for STP/CETP/ Hospitals</p> <p>Proposed Timeline- 5 months Agreed/ recommended Timeline by the State:</p>	<p>Diesel fuelled Gen sets are available.</p>	<ul style="list-style-type: none"> • Continuous supply of electricity by the government must be provided. • Clearer alternative to diesel fuelled DG set must be explored.

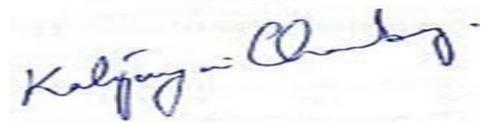
18.	<p>Bye- Laws for Preventing Environmental Pollution from Mercury (in lines of Minamata Convention)</p> <p>Proposed Timeline- 5 months Agreed/ recommended Timeline by the State:</p>	<p>Letter sent to MoEF & CC & CPCB on 05.03.2025</p>	<ul style="list-style-type: none"> • Kindly provide a timeline
19.	<p>Find out the source of Chromium, Mercury, Fluoride, and Iron in the ecosystem.</p> <p>Proposed Timeline- 2 months Agreed/ recommended Timeline by the State:</p>	<p>No reply received from CPCB, IITR</p>	<ul style="list-style-type: none"> • Kindly provide a timeline
20.	<p>Survey And Mapping of (new/old) Dump Sites (of chromium, mercury, ash) in Fatehpur and Kanpur Dehat, Kanpur Nagar</p> <p>Proposed Timeline- 2 months Agreed/ recommended Timeline by the State:</p>	<p>Letter sent to CPCB & IITR on 27.02.25</p>	<ul style="list-style-type: none"> • Kindly provide a timeline
21.	<p>Survey and Mapping of Groundwater Contamination in Fatehpur and Kanpur Dehat, Kanpur Nagar</p> <p>Proposed Timeline- 2 months Agreed/ recommended Timeline by the State:</p>	<p>No reply received from CPCB & IITR</p>	<ul style="list-style-type: none"> • Kindly provide a timeline

22.	<p>Survey of People/ Cattle/ Food Chain- To Check Degree of Contamination and create an effective Remediation Plan Against Bio- Accumulation of Heavy Metals.</p> <p>Proposed Timeline- 2 months</p> <p>Agreed/ recommended Timeline by the State:</p>	No reply received from CPCB & IITR	<ul style="list-style-type: none"> • Kindly provide a timeline
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That an urgent and kind intervention of this Hon'ble Tribunal is sought considering the facts and circumstances as stated hereinabove.

AND FOR THIS ACT OF KINDNESS, THE ADVOCATE AS IN DUTY BOUND SHALL EVER BE GRATEFUL.

Dated: 16.05.2025



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S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

[TO BE TAKEN UP AT 12:00 NOON] IN RE: STRENGTHENING AIR QUALITY MANAGEMENT MONITORING NETWORK ENFORCEMENT VACANCIES IN SPCBS AND IN RE: SOLID WASTE MANAGEMENT AND IN RE: GRIEVANCE REDRESSAL MECHANISM AND IN RE: CONSTRUCTIONS AND ROAD DUST AND IN RE: INDUSTRIAL POLLUTION AND (1) IA NOS. 194489 AND 194490/2024 (APPLICATION ON BEHALF OF THE GORAKHPUR HARYANA ANU VIDYUT PARIYOJNA FOR IMPLEADMENT AS RESPONDENT AND APPLICATION ON BEHALF OF GORAKHPUR HARYANA ANU VIDYUT PARIYOJNA SEEKING PERMISSION FOR REGISTRATION OF FIRE TENDER VEHICLE HAVING BS-IV ENGINE) NAME OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST: MR. HARISH N. SALVE, SR. ADVOCATE (A.C.) MS. APARAJITA SINGH, SR. ADVOCATE (A.C.) MS. UTTARA BABBAR, SR. ADVOCATE (A.C.) MR. A.D.N. RAO, SR. ADVOCATE (A.C.) MS. SHIBANI GHOSH, ADVOCATE (A.C.) MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.) MR. G.S. MAKKER, MR. AMRISH KUMAR, MR. M.K. MARORIA, MR. SANJAY KR. VISEN, MR. SUDEEP KUMAR, MR. KARAN SHARMA, MR. SANDEEP KR. JHA, MR. JYOTI MENDIRATTA, MR. RAHUL KHURANA, M/S. M.V. KINI AND ASSOCIATES, ADVOCATES

Date : 08-05-2025 This petition was mentioned today.

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Upon being mentioned, the Court made the following
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At this juncture, prayer for listing is rejected.

(KAVITA PAHUJA)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SWRIT PETITION(S)(CIVIL) NO(S). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

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Respondent(s)

[TO BE TAKEN UP AT 12:00 NOON] IN RE: STRENGTHENING AIR QUALITY MANAGEMENT MONITORING NETWORK ENFORCEMENT VACANCIES IN SPCBS AND IN RE: SOLID WASTE MANAGEMENT AND IN RE: GRIEVANCE REDRESSAL MECHANISM AND IN RE: CONSTRUCTIONS AND ROAD DUST AND IN RE: INDUSTRIAL POLLUTION AND (1) IA NOS. 194489 AND 194490/2024 (APPLICATION ON BEHALF OF THE GORAKHPUR HARYANA ANU VIDYUT PARIYOJNA FOR IMPLEADMENT AS RESPONDENT AND APPLICATION ON BEHALF OF GORAKHPUR HARYANA ANU VIDYUT PARIYOJNA SEEKING PERMISSION FOR REGISTRATION OF FIRE TENDER VEHICLE HAVING BS-IV ENGINE) NAME OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST: MR. HARISH N. SALVE, SR. ADVOCATE (A.C.) MS. APARAJITA SINGH, SR. ADVOCATE (A.C.) MS. UTTARA BABBAR, SR. ADVOCATE (A.C.) MR. A.D.N. RAO, SR. ADVOCATE (A.C.) MS. SHIBANI GHOSH, ADVOCATE (A.C.) MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.) MR. G.S. MAKKER, MR. AMRISH KUMAR, MR. M.K. MARORIA, MR. SANJAY KR. VISEN, MR. SUDEEP KUMAR, MR. KARAN SHARMA, MR. SANDEEP KR. JHA, MR. JYOTI MENDIRATTA, MR. RAHUL KHURANA, M/S. M.V. KINI AND ASSOCIATES, ADVOCATES

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UPON hearing the counsel the Court made the following
O R D E R

IN RE: VACANCIES IN SPCBS

1. The first issue concerns the filling of vacant posts in the State Pollution Control Boards and Pollution Control Committees.

2. Since 1985, this Court has issued drastic orders to prevent air pollution in the Delhi-NCR region. The State Pollution Control Boards are statutory authorities that play a crucial role in preventing pollution and enforcing laws related to pollution. Various powers have been conferred on the Pollution Control Boards

under the Environment (Protection) Act, 1986, and the Rules framed thereunder, the Air (Prevention and Control of Pollution) Act, 1981, the Water (Prevention and Control of Pollution) Act, 1974 and various other enactments.

3. Referring to the number of vacant posts in the Pollution Control Boards of NCR States brought on record, a very sorry state of affairs is reflected. Our order dated 27th August, 2024, directed that all the vacancies of the State Pollution Control Board as regards the NCR States shall be filled in by 30th April, 2025. As far as the State of Haryana is concerned, 35 per cent of the posts are vacant. As far as the State of Rajasthan is concerned, 45 per cent of posts are vacant, although it is stated that the process for filling approximately 164 vacancies has been initiated. In the case of the State of Uttar Pradesh, 45 per cent of posts are vacant. As far as the Delhi Pollution Control Committee (hereinafter referred to as "the DPCC") is concerned, approximately 55 per cent of the posts are vacant. Therefore, we can safely say that, as far as the DPCC is concerned, it is non-functional. Over the last several years, Delhi has been grappling with a significant issue of air pollution. Despite several orders issued by this Court, new issues related to air pollution continue to arise each year. In this context, we are shocked to learn that the DPCC is virtually defunct, with 55 per cent of posts vacant. The State of Haryana has expressed difficulty in finding candidates. The Pollution Control Boards need not limit the recruitment process to people from their State. It can be a PAN India process. We are, therefore, of the view that the States of

Delhi, Haryana, Rajasthan and Uttar Pradesh have committed a wilful breach of our order dated 27th August, 2024. All the vacant posts ought to have been filled by the end of April 2025. We, therefore, direct that a notice of contempt shall be issued to the Chief Secretaries of Delhi, Haryana, Rajasthan and Uttar Pradesh calling upon them to show cause as to why they should not be punished under the Contempt of Courts Act, 1971. The show cause notice issued to the Chief Secretary of Delhi is made returnable on 19th May, 2025. He is directed to personally appear in Court on that day. The show-cause notices issued to the Chief Secretaries of Haryana, Rajasthan, and Uttar Pradesh are made returnable on July 18, 2025. For the time being, the personal presence of the Chief Secretaries of Haryana, Rajasthan and Uttar Pradesh is dispensed with. A copy of this order is to accompany the notice.

4. We make it clear that, in the case of Haryana, Rajasthan, and Uttar Pradesh, non-compliance until the returnable date will be considered a case of aggravated contempt.

5. We are informed that 21 per cent of the posts in the Central Pollution Control Board (hereinafter referred to as "the CPCB") are vacant. We direct that all vacant posts shall be filled by the end of August 2025, and an affidavit of compliance shall be filed by the Union of India by the same date.

6. It is necessary to examine the functioning of the State Pollution Control Boards, as well as the Pollution Control Committees. Perhaps, the Boards and the Committees may be using age-old technology and equipment. We, therefore, direct the Commission for Air Quality Management (hereinafter referred to as

"the CAQM") to undertake a systematic study on these aspects. Unless the Pollution Control Boards and the Pollution Control Committees are equipped with modern equipment and unless they start using modern techniques, they will not be able to discharge their statutory duties effectively. The CAQM shall work on this aspect and make its recommendations by the end of July 2025 and forward the same to the CPCB as well as to the Pollution Control Boards of the States of Haryana, Rajasthan and Uttar Pradesh and the DPCC. Based on the recommendations of the CAQM, necessary actions shall be taken, including the acquisition of proper equipment.

7. We are informed that the CAQM also has vacant posts. Very important duties and functions have been assigned to the CAQM. Although the performance of the CAQM initially may not have been up to mark, over the last few months, we have seen significant improvement in the CAQM's performance. However, the CAQM cannot continue with more than 30 per cent of the sanctioned posts vacant. We direct the Union of India to ensure that all the vacancies are filled by the end of August 2025.

8. The CPCB has submitted a detailed note indicating that there are significant vacancies in almost all States. For example, in the State of Jharkhand, 91 per cent of posts are vacant, and in the State of Bihar, 90 per cent of posts are vacant. There are many States where the vacancy is more than 60 per cent. Even in the case of Pollution Control Committees of the Andaman and Nicobar Islands, Chandigarh and Puducherry, there are substantial vacancies. So is the case with Jammu and Kashmir. We direct all the State Pollution Control Boards and Committees to ensure that

all the vacancies are filled by the end of September 2025. This order shall be communicated by the CPCB to the Pollution Control Boards and Committees of all the States and Union Territories and call for their compliance. A compliance report on the implementation of this order shall be filed by the CPCB by the end of September 2025, after collecting the responses of all States and Union Territories.

9. As far as the NCR States are concerned, it will be open for them to modify their Rules and Regulations regarding recruitment and the modes of recruitment so that they are able to achieve the target.

IN RE: ACCOMMODATION FOR THE CHAIRPERSON, FULL-TIME MEMBERS, MEMBER SECRETARY AND OFFICERS OF THE CAQM

10. At this stage, Ms. Aparajita Singh, a learned Senior Advocate appointed as Amicus Curiae, has invited our attention to certain issues concerning the CAQM. She has invited our attention to the Commission for Air Quality Management in National Capital Region and Adjoining Areas (Appointment, Salary, Allowances and other Terms and Conditions of Service of Chairperson, Full-time Members and Member-Secretary) Rules, 2021 and Commission for Air Quality Management in National Capital Region and Adjoining Areas (salaries, allowances and conditions of service of the officers and staff of the Commission) Rules, 2022. She pointed out that the Chairperson, Full-time Members, Member Secretary, as well as the Officers find it very difficult to get proper residential accommodation in Delhi. She is right in submitting that considering the magnitude of the task assigned to the CAQM, its

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statutory duties and obligations, it is necessary that the Chairperson, Members and Officers get suitable accommodation in Delhi. Several directions have been issued to the CAQM for addressing a large number of issues that arise due to air pollution in Delhi. When the pollution is high, they are required to work 24x7. If we expect the Chairperson, Members and the Officers of the CAQM to perform their duty in terms of the expectations of this Court and the object sought to be achieved by establishing CAQM, they deserve to be provided suitable accommodation in Delhi. We are conscious of the fact that a large number of officers and employees of the State Government, the Central Government and other public entities in Delhi find it difficult to get a Government accommodation. Our attention is invited to an order dated 13th March, 2024 passed by a coordinate Bench of this Court by which a direction was issued to the Union of India to provide a suitable accommodation to the Chairman and Members of the CEC who are desirous of occupying Government accommodation. We, therefore, issue a similar direction to the Union of India to provide suitable accommodation to the Chairperson, Full-time Members, Member Secretary and the Officers of the CAQM. We direct the Union of India to ensure that a suitable accommodation as directed above is provided within a period of three months from today.

IA NO.194489/2024 (APPLICATION ON BEHALF OF THE GORAKHPUR HARYANA ANU VIDYUT PARIYOJNA FOR IMPLEADMENT)

11. IA No.194489/2024 seeking impleadment is allowed only for the purposes of considering the prayer in IA No.194490/2024.

IA NO.194490/2024 (APPLICATION ON BEHALF OF THE GORAKHPUR HARYANA ANU VIDYUT PARIYOJNA SEEKING PERMISSION FOR REGISTRATION OF FIRE TENDER VEHICLE HAVING BS-IV ENGINE)

12. Heard Ms. Aishwarya Bhati, learned ASG and the learned Amicus Curiae.

13. It is averred in paragraph 2 of the IA No.194490/2024 that the fire tender subject-matter of this Application was purchased on 9th January, 2018. In view of the averments made in IA No.194490/2024, we allow the Application in terms of prayer clause (a) which reads thus:

“(a) Grant permission to the Applicant for registering the Fire Tender (sic) vehicle bearing correct Chassis no.MBKMC5CR1JN020900 with the RTO Fatehabad;”

Needless to add that the registering authority shall act on the basis of this order.

REMAINING ISSUES

14. The issues of Air Quality Governance, Industrial Pollution and Construction & Demolition Waste shall be taken up on 15th May 2025.

(ASHISH KONDLE)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)